

In 2012, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government published its list of hazardous work, convened the first meeting of the Child Labor National Steering Committee, and continued to support social programs to address child labor, particularly in the tobacco sector. However, the Government has not finalized or fully implemented either key legislation or policies protecting children from the worst forms of child labor, including the Tenancy Bill, the Child Labor Policy, and the Child Protection Policy. In addition, the country continues to lack a compulsory education law. Children continue to engage in the worst forms of child labor in Malawi, particularly in dangerous activities in agriculture and fishing.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	33.6 (1,401,759)
Attending School	5-14 yrs.	79.5
Combining Work and School	5-14 yrs.	36.1
Primary Completion Rate		71.1

Sources:

Primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2006.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Malawi are engaged in the worst forms of child labor, primarily in dangerous activities in agriculture and fishing.(3-6) Many work on farms, including in the tea, tobacco, and sugar sectors.(7-9) Children working in agriculture may be denied food, experience verbal and physical abuse, sustain injuries from carrying heavy loads, contract respiratory illnesses, and risk exposure to toxic fertilizers and pesticides.(4, 7, 10) Children who sort and handle tobacco risk illness from nicotine absorption, including green tobacco sickness.(7, 10, 11) Children are involved (sometimes working alongside family members who are tenants on farms) in the tenancy system; farm owners loan agricultural inputs to tenants and deduct the debt from future profits. Families who cannot meet production quotas and are unable to repay these debts may face debt bondage.(12)



Boys catch, process, and sell fish, reportedly including the local varieties of *chambo* (tilapia) and *mlamba* (catfish).(13, 14) Some work as *bila boys*, responsible for pulling and detangling nets. They spend prolonged periods in the water and dive at unsafe depths.(13, 15) Children, known as *chimgubidi* (“water pumps”), empty water from small fishing boats. They work long hours, experience seasickness, and may receive low pay.(15)

Although evidence is limited, children—especially boys—herd livestock, including cattle. They have long workdays and often live alone and away from their families in order to care for animals.(5, 16). Boys are also involved in dangerous activities in quarrying, mining, and construction, including carrying heavy loads.(5)

There are reports that children are forced to beg and commit crimes, including home robberies.(17) Children, primarily girls, are involved in domestic service and may be subject to abuse and long working hours.(19, 20)

Children, often from rural areas, are exploited in commercial sexual exploitation, begging, and sex tourism in urban areas and resorts near the country's lakes.(19) Girls who are engaged in commercial sexual activity may be subject to debt bondage,

Malawi

becoming indebted to individuals who promise legitimate employment, housing, or clothing and later ask for repayment of these services.(17) Within Malawi, boys are trafficked for animal herding and girls are trafficked for forced labor as domestics or in restaurants and bars.(19-22) Malawian boys may be trafficked to Tanzania for fishing, and girls to South Africa for commercial sexual exploitation. Malawian, Zambian, and Mozambican children are trafficked within Malawi for forced labor on farms.(4, 21, 23)

Children affected by HIV/AIDS, including more than 500,000 orphans, are at increased risk of entering into the worst forms of child labor.(24, 25) These children may become the heads of their households or primary caretakers to a sick parent, and may have to work to support their families.

There are reports of children working on the streets, but specific information on hazards is unknown.(18)

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act No. 6, adopted in 2000, sets the minimum age for employment at 14 in agricultural, industrial, or non-industrial work. However, this minimum age does not extend to work performed in private homes.(26)

International Conventions and Selected Laws on Child Labor and Education

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Tenancy Bill, first drafted in 1997, would regulate labor tenancy and include legal protections for children working in agriculture through the tenancy system; however, it has not yet been passed into law.(12, 27, 28)

Although the Constitution states that children under age 16 are entitled to protection from hazardous work, the Employment Act sets the minimum age for hazardous labor at 18.(23, 26) On February 17, 2012, the list of hazardous occupations—Employment Order, 2011 (“Prohibition of Hazardous Work for Children”)—was published in the government gazette.(18, 29-31) It has not been fully enforced.

The Penal Code prohibits pornography and criminalizes the procurement of prostitution. However, it does not prohibit the sale of a child into prostitution, and its protections only apply to girls, leaving boys vulnerable.(26)

Although the Government reported to the UNESCO Institute for Statistics that education is compulsory until age 14, other evidence indicates that compulsory education has not been implemented.(27, 32, 33) Primary schools are free by law. Although families are responsible for school-related expenses, such as books and uniforms, the Government directly provides schools with training and teaching resources and provides some book subsidies for poor families.(4, 34) Despite this support, government resources to schools are limited and students drop out due to the lack of school materials, qualified teachers, relevant school curricula, and vocational training opportunities.(9, 12, 34, 35)

Both the Employment Act and Malawi’s Constitution prohibit and punish slavery, servitude, and forced labor.(8) Elements of human trafficking can be prosecuted through the child labor, forced labor, and hazardous labor provisions of the Employment Act, the Penal Code, and the Child Protection Act.(21, 22, 24, 26, 36). The Child Care, Protection and Justice Bill (Child Protection Act) also addresses the issues of child abduction and trafficking.(22, 37)

The Defense Force Act sets the minimum age for military recruitment at 18.(38) The Child Care, Protection and Justice Bill (Child Protection Act) was codified in January 2012 through publication in the Government’s official records.(22) It prohibits the use of children for illicit activities.(22, 37)

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (MOL), through its Child Labor Unit, is the primary agency coordinating efforts to combat child

labor.(27, 39) The Unit provides technical assistance to other government agencies implementing child labor laws at the district and national levels.(39, 40) It provides policy guidance on child labor issues, including to the Child Labor Network, of which it is a member. The Network's membership includes government, trade unions, employers, and civil society, and it is responsible for drafting policies, identifying resources, and harmonizing programs and activities for the elimination of the worst forms of child labor.(8, 39) However, the Network has not met since October 2009.(22) In 2012, the Child Labor Unit was allocated \$10,409 for child labor monitoring visits.(18) According to USDOS, the Unit has limited staff and resources, including office space and fuel for inspection vehicles, to address the problem of child labor in Malawi effectively.(18, 27)

Malawi has many committees and working groups focused on issues relating to child labor, including the District Child Labor and Protection Technical Committee, the District Orphan and Vulnerable Child (OVC) Committee, the District Committee on Child Rights, the Area Child Labor and Protection Committee, and the Community Child Labor and Protection Committee.(22, 27) In some districts, committees have combined to create a single district child protection committee.(22) District Child Protection Committees coordinate all district-level child protection activities, including child labor.(18) District Child Labor Committees meet to discuss incidents of child labor and monitor and implement child labor projects in their area. The committees are guided by their district plans.(35, 41) Some districts have Child Protection Committees at the traditional authority (sub-district) level.(22) Community members also are encouraged to provide continuous community-level child labor monitoring.(18, 27, 42) Community Child Protection Committees exist in some communities to identify child abuse and exploitation.(22) In 2012, the Government provided child labor training to child protection workers, volunteers, and district community development officers.(18, 27)

The Government of Malawi's OVC, Child Protection, and National Technical Working Group on Child Labor and Protection merged into a single Child Protection Technical Working Group during the reporting period.(22) The Working Group is chaired by the Ministry of Gender, Children, and Social Welfare.

In January 2013, the National Steering Committee on Child Labor held its first meeting in Malawi.(43) The committee is chaired by the Ministry of Agriculture, and the MOL serves

as the Secretariat. Members include representatives from government ministries, trade unions, employers, development partners, and civil society organizations. The committee provides policy guidance to support the elimination of child labor and implementation of the National Action Plan to Combat Child Labor (NAP). It also harmonizes child labor messaging and data and links with other government committees working on child labor.(35, 44)

The MOL's General Inspectorate is charged with performing inspections and investigating all labor complaints, including those related to child labor.(45) By law, labor inspectors are required to visit workplaces biannually.(8, 39) There is no formal mechanism for reporting child labor complaints, and data is not available on the breakdown of complaint-driven inspections compared with regularly scheduled inspections.(18) District child labor and protection committees typically receive complaints.(28) Workers and district child labor and protection committees also notify district labor offices to report hazardous child labor.(8, 39) Labor officers in 29 decentralized district offices administer and coordinate labor inspection services.(18, 39) District labor offices receive funding directly from the Treasury; however, there are still insufficient funds to purchase office space and vehicle fuel in order to conduct inspections.(18, 28, 46) During the reporting period, 165 labor inspectors conducted approximately 1,750 general labor inspections.(18, 27) Complete information was not available on the number of child labor cases investigated, citations given, and cases prosecuted. Standard labor inspection forms were developed to capture child labor information; however, information on the use of these forms and the specific number of inspections focused on child labor was not available.(18)

Child labor cases during the reporting period were resolved through out-of-court settlements and payment of fines.(18) It is reported that fines were not sufficient to dissuade offenders from continuing to use child labor.(18, 27)

The Ministry for Gender, Children and Social Welfare and the Ministry of Home Affairs coordinate anti-trafficking efforts.(22) The National Steering Committee on Child Protection is also responsible for addressing trafficking issues specifically related to children.(18)

The Ministry of Home Affairs is the lead agency responsible for the enforcement of trafficking laws.(39) The Ministry employs workers specifically to identify trafficking and child labor victims. The Community Policing Division leads trafficking issues for the Malawi Police Service.(22)

Malawi

The police identify and rescue child trafficking and child labor victims.(21, 36) One officer within the Division was assigned to compile trafficking in persons (TIP) data. During 2012, the Government reported trafficking prosecutions and convictions.(17, 22, 47) While at least 54 of the trafficking victims reported were under age 18, the police do not systematically report child trafficking cases.(22, 47) The police reports difficulty in collecting data on child trafficking cases due to widespread lack of awareness and poor record-keeping, lack of reporting, and inability to detect TIP cases.(47) During the reporting period, the Malawi Network Against Child Trafficking, which includes government representatives, trained 62 police officers in the prevention of child trafficking.(18)

Other agencies supporting the enforcement of child trafficking laws include the Ministry of Justice, the MOL, and the Ministry of Local Government and Rural Development.(21)

The Police operate Victim Support Units in 300 traditional authorities which handle trafficking cases. These units provide limited counseling, support, and shelter to trafficking victims.(18) However, these units lacked capacity to adequately support victims.(17, 22) The Government relied on international organizations and NGOs to identify victims and provide long-term care.(17, 22)

Government Policies on the Worst Forms of Child Labor

The draft National Child Labor Policy, prepared in 2009, focuses on the issue of child labor and provides government, civil society, and other partners with a framework to implement child labor programs and activities.(8) However, it still awaits Cabinet approval.(48) The National Action Plan to Combat Child Labor (2010-2016) assigns roles and responsibilities for each ministry in charge of implementing the National Child Labor Policy.(42) It provides a comprehensive framework to reduce the worst forms of child labor.(42) The Plan proposes concrete activities to support policies to combat child labor.(28, 48) The Child Protection Policy of 2010 has not been implemented.(25) Malawi also has an Employers' and a National Code of Conduct on Child Labor, which were developed prior to drafting the list of hazardous work. Both codes define conditions under which children are prohibited from work.(40)

Malawi has included the prevention of child labor into other important development agendas, including the Malawi Growth and Development Strategy (MGDS II) (2011-2016), the Decent Work Country Program (2011-2016),

and UNDAF.(27, 42, 49) In April 2012, the Government of Malawi approved the poverty reduction paper, which includes child labor.(49)

The Government and UN agencies in Malawi work together under the One UN Fund program.(35, 42, 44) This program supports the Government of Malawi's current efforts and seeks to enhance current UN agencies' activities to combat child labor.(50)

The Government currently implements the National Education Sector Plan 2008-2017, which outlines the Government's goals and objectives toward achieving education for all.(12) The National Youth Policy (1996) promotes community engagement and youth participation in interventions that contribute to reducing the worst forms of child labor.(8) The impact of these programs on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2012, the President of Malawi chaired a National Conference on Child Labor in Agriculture and concurrent Children's Conference. The conferences resulted in the adoption of an outcome document that outlines priority actions and commitments to implement the agriculture component of the NAP and address child labor in the agriculture sector.(9, 18, 29) The conference was funded by the MOL, the Employers Consultative Association of Malawi and the Eliminating Child Labor in Tobacco-growing Foundation (ECLT), which provided \$199,941 towards the event.(29) The conference brought attention to the issue of child labor and moved child labor forward on the Malawian agenda.(29)

Several projects address child labor in agriculture. A 3-year, \$1.8 million, Swedish International Development Agency-funded project supports rural employment and decent work policies that promote equitable and sustainable livelihoods in Malawi and Tanzania.(29) USDOL also funds a 4-year, \$1.5 million project, Cooperation to Address the Worst Forms of Child Labor in Agriculture: Support to the International Agricultural Partnership.(42, 51) The project began in 2011 and focuses on data collection and research on child labor in agriculture. The Government developed a list of priority actions and an action plan to address child labor in agriculture. It also supported training for Directors of the MOL and of the Ministry of Agriculture, as well as for Labor Officers and Agriculture Extension Officers, to ensure that employees of both Ministries are equipped to identify and support child laborers.(42)

There are many current initiatives to combat child labor in the tobacco sector. The Government is a steering committee member of ECLT's Integrated Child Labor Elimination Project, which intends to reduce child labor in 200 villages in Malawi.(52) Under a private-public partnership agreement, the Government collaborates with Japan Tobacco (JTI) to implement the \$3 million project, Combating Child Labor in the Tobacco Industry.(27) The project receives additional support from the UNDP and the African Development Bank.(18) The Government supports the JTI-funded Program to Reduce the Worst Forms of Child Labor in Tobacco-Growing Communities in Malawi.(53)

The Government supports the \$8 million, 4-year project, Child Labor Elimination Actions for Real Change (CLEAR), funded by ECLT.(27, 29) The project aims to address the root causes of child labor in the districts of Ntchisi, Mchinji, and Rumphu, and targets 10,000 children for withdrawal or prevention.(29)

The One UN Fund currently finances a \$90,000, 2-year project, Improved Social Protection through the Reduction of Child Labor in Malawi, which began in March 2012.(42, 44)

The Government works with Plan International to improve access to quality education through the construction of classrooms, teachers' houses, and implementation of school feeding programs in collaboration with WFP.(18) The program also piloted a child helpline project and supported the withdrawal of 2,000 children from dangerous work and the arrest of 19 employers who promoted child labor.(18)

The Government continues to participate in a 3.5-year, \$2.75 million project funded by USDOL to combat child labor.(12, 27, 42) The project began in 2009 and aims to strengthen child labor policies and develop codes of conduct for the elimination of child labor in the production of tea, tobacco, and other agricultural goods. The project ended in March 2013 and withdrew and prevent 5,617 children from involvement in child labor.(50) In 2012, the project adapted the child labor monitoring system established under a past USDOL-funded project to focus on more on community-level child labor monitoring.(50) However, the Government does not currently systematically collect data on child labor.(18, 35, 44) Project beneficiaries were linked to the government Youth Enterprise Development Fund.(42) The Fund was created to address the problem of youth unemployment in Malawi. It provides youth, including those previously in the worst forms of child labor, with access to credit to start their own businesses.(42) In 2012, Malawi participated in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project which is active in approximately 40 countries. In Malawi, the project aims

to improve the evidence base on child labor and forced labor through data collection and research.(54)

The Government continued to implement a cash transfer program to low-income families in high-risk districts to enable their children to stay in school.(27, 28) The cash transfer program has been shown to have an impact on reducing child labor.(55, 56)

Studies on a program that provides rural financial credits indicate that children of credit recipients are generally more likely to attend school and less likely to engage in child labor. Other analysis suggests that these credits may result in more children not working or attending school during the agricultural off-season, and more children participating in agricultural production during the peak agricultural season.(57)

The Government also supports various microcredit programs, including the Malawi Social Action Fund, which provides loans for community development and social support programs.(58) Previous studies on microcredit programs in Malawi found that in the season of peak labor demand, household access to microcredit may increase work by children.(59) Girls, especially, may take over the domestic chores of adult women who become more involved in income-generating activities financed by the credit, thereby delaying enrollment of girls in school.(57) Recent studies on the impact of these social programs on child labor have not been conducted.

In 2012, border migration officials in Karonga and magistrates and judges were trained on human trafficking issues.(22, 60) The Government has also established child-friendly courts, community victim support units, and a Child Stop Center to assist child labor victims.(17, 28) It is unknown whether the center assisted trafficking victims during the reporting period. Government-run hospitals provided limited medical and psychological services; for shelter, district social welfare and child protection officers referred victims to NGO-run facilities.(17) The government held a TIP awareness event in the Karonga district and aired anti-trafficking programming on national and district radio stations during the reporting period.(22) Police training schools included human trafficking courses in their curricula.(22) The Government of Malawi runs a social rehabilitation drop-in center for orphans and vulnerable children and victims of trafficking and gender-based violence.(22) However, these rehabilitation centers only provide temporary shelter, are limited in their ability to provide care, and do not provide needed gender specific services.(22)

Research did not identify any current programs focusing on children in the herding and fishing sectors.

Malawi

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Malawi:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Increase the minimum age for work for children employed in the home to 14.	2009, 2010, 2011, 2012
	Protect children working in the tenancy system by passing the Tenancy Bill, which regulates tenant farms and protects children working on them.	2009, 2010, 2011, 2012
	Ensure that both boys and girls are protected from all forms of sexual exploitation.	2009, 2010, 2011, 2012
	Fully implement the Employment Order.	2011, 2012
	Extend current child labor protections to children working in private homes (domestic service).	2011, 2012
Coordination and Enforcement	Publish data on inspections, criminal investigations, prosecutions, and other steps taken to enforce laws.	2011, 2012
	Assess the effectiveness of current child protection and child labor committees.	2009, 2010, 2011, 2012
	Improve the current child labor enforcement reporting mechanisms and require inspectors to use data collection forms and keep records of workplace visits.	2009, 2010, 2011, 2012
	Increase resources to the Child Labor Unit and district inspectors to conduct regular child labor inspections and provide adequate funding and resources for regular inspections.	2009, 2010, 2011, 2012
	Establish a formal mechanism for reporting child labor complaints and provide data on the breakdown of complaint-driven and other inspections.	2012
	Provide information on the number of child labor cases found, citations given, and cases prosecuted.	2012
	Provide training to staff of the victim support unit and improve referral services for child trafficking victims.	2012
	Establish whether fines assessed for child labor violations are sufficient to dissuade offenders from continuing to use child labor and ensure that penalties are sufficient to deter individuals exploiting children in the worst forms of child labor.	2012
Policies	Finalize and implement the Child Labor Policy.	2009, 2010, 2011, 2012
	Implement the Child Protection Policy.	2011, 2012
	Assess the impact that existing education and youth policies may have on addressing child labor in Malawi.	2011, 2012

Area	Suggested Actions	Year(s) Action Recommended
Social Programs	Conduct research to clarify the impact of the microfinance programs and rural credits on child labor.	2011, 2012
	Ensure government-run hospitals provide medical and psychological services and shelter to trafficking victims.	2012
	Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor and develop programs to target children in the fishing and herding sectors specifically.	2011, 2012
	Systematically collect data on the number of working children, including through the child labor monitoring system established under the USDOL-funded project.	2011, 2012
	Establish and improve rehabilitation centers and medical and psychological services for victims of trafficking.	2011, 2012
	Prioritize resources towards improving education infrastructure, teacher training, and other factors that may improve school attendance.	2012

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